

From: Benjamin Curtis
To: Microsoft ATR
Date: 1/28/02 4:05pm
Subject: Microsoft Settlement

Please consider this email a vote for not allowing the proposed settlement to stand. Microsoft has previously ignored and/or violated previous decrees, and have continued to exhibit predatory business practices to both establish and maintain their monopoly in the technology sector. The current proposed settlement does not go far enough to ensure that competition will be restored to the marketplace, and is not in the consumer's interest.

Microsoft has used various means to eliminate any and all threats of competition, including hiring away critical employees of competing companies (Borland), eliminating a profitable market for a software segment (Netscape), and integration of new products with current market-dominating products (Microsoft Word vs. Word Perfect). An oversight committee trying to enforce disputable sections of the settlement will simply be no match against both the entrenched competition-killing culture of Microsoft and the cadre of attorneys used to support that culture's goals. Instead, more drastic measures, such as those proposed by the nine dissenting states, should be put in place to help restore the competition that Microsoft has so effectively eliminated.

There are certain details of the proposed settlement that would seriously weaken the settlement if it were to be implemented as it currently drafted.

For example, very little consideration is given to competition that may come from non-profit-oriented organizations such as the developers of the SAMBA project. This project's main goal is to provide software to allow users of other operating systems to provide file-sharing services in a network including Microsoft Windows clients. SAMBA's developers have had to continually adapt to Microsoft's changing of APIs and protocols to achieve this goal. The provisions in the current settlement proposal for releasing of API information simply are not stringent enough to be effective, as they don't address in enough either sharing APIs with non-profit groups or the timeliness of those transfers of information. SAMBA has been the only effective competition to Microsoft when it comes to file-sharing in dominantly Microsoft Windows environments, and this settlement does little to encourage that competition. Granted, this is only one case of a weakness in the proposal, and the settlement is not intended to benefit any one specific entity, but this is an example of how there are significant weaknesses in the settlement's ability to help restore competition and to be in the public interest.

In summary, this proposed settlement is not in the public interest for many reasons -- many of which have been well documented elsewhere. Please do not allow the best interests of consumers to be forgotten. Please do not endorse this settlement. Thank you.

Sincerely,
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